

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Civil Action No. 5:09-CV-23-BR

MORRIS & ASSOCIATES, INC.,)
a North Carolina Corporation,)
)
Plaintiff,)
)
v.)
)
COOLING & APPLIED TECHNOLOGY, INC.,)
an Arkansas Corporation,)
)
Defendant.)

DISMISSAL ORDER

THIS MATTER came before the Court on the Parties' *Joint Consolidated Consent Motion for Entry of Injunction Order and Dismissal Order*. After reviewing the Joint Motion and the record in this case, and with the consent of the Parties pursuant to the terms of a Settlement Agreement dated December 1, 2011, the Court is informed that the Parties have agreed to compromise and settle their differences, jointly requesting that the Court enter this Dismissal Order and retain jurisdiction over the Settlement Agreement.

THEREFORE, it is hereby **ORDERED**, **ADJUDGED**, and **DECREED** that:

A. Entry of this Dismissal Order is made at the request of the Parties in compromise and settlement of this action.

B. Morris has consented to the dismissal of this action upon entry of the Injunction Order, as defined in the Joint Motion.

C. The Court hereby dismisses, pursuant to FED. R. CIV. P. 41(a)(2), all claims in this action between plaintiff and defendant in this civil action.

D. The Court retains jurisdiction over the Parties and the Parties' Settlement Agreement of December 1, 2011, which is incorporated herein by reference.

SO ORDERED, this the 19 day of December, 2011.



Judge William Earl Britt
Senior United States District Judge

APPROVED AS TO FORM AND CONTENT:

<u>/s/ N. Andrew Crain</u> N. Andrew Crain THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP 600 Galleria Parkway, S.E., Suite 1500 Atlanta, Georgia 30339 andrew.crain@tkhr.com James P. West WEST LAW OFFICES Two Hannover Square, Suite 2325 Raleigh, North Carolina 27601 jpwest@westlawpc.com <i>Attorneys for Plaintiff, Morris & Associates, Inc.</i>	<u>/s/ Catharine B. Arrowood</u> Catharine B. Arrowood PARKER POE ADAMS & BERNSTEIN LLP 150 Fayetteville Street, Suite 1400 Raleigh, North Carolina cbarrowood@parkerpoe.com <i>Attorney for Defendant, Cooling & Applied Technology, Inc.</i>
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